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13 PRIVASYS, INC.

14
15 UNITED STATES DISTRICT COURT
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

17 PRIVASYS, INC.

18 Plaintiff,

19 v.

20 AMERICAN EXPRESS COMPANY and
21 AMERICAN EXPRESS TRAVEL RELATED
22 SERVICES COMPANY, INC.,

23 Defendants.
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Case No. C-08-01072 SI

**STIPULATION OF DISMISSAL WITH
PREJUDICE AND [PROPOSED]
ORDER**

Pursuant to an agreement of the parties dated August 29, 2008, the undersigned parties, through their respective counsel, hereby stipulate to dismissal of the above-captioned case in its entirety as follows:

1. All claims and counterclaims are dismissed with prejudice.
2. Each party shall bear its own costs of suit and attorneys' fees.

IT IS SO STIPULATED

DATED: September 11, 2008

HOSIE RICE LLP

By: /s/ George F. Bishop
George F. Bishop

Attorneys for Plaintiff PrivaSys, Inc.

DATED: September 11, 2008

KIRKLAND AND ELLIS LLP

By: /s/ Perry Clark
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*Attorneys for Defendant American
Express Company and American
Express Travel Related Services
Company, Inc.*

I hereby attest that concurrence in the filing of this stipulation has been obtained for all signatures indicated by a "conformed" signature (/s/) within this e-filed document.

Date: September 11, 2008

/s/ Perry Clark
Perry Clark

PURSUANT TO STIPULATION, IT IS SO ORDERED.

9/15/08 Wm. Alsup for

Dated:

The Honorable Susan Illston